

To: The Federal Communications Commission  
Re.: Exparte Filing regarding 07-51  
Date: August 30, 2007

On August 27, 2007, William J. Burhop, Executive Director of the Independent MultiFamily Communicatins Council (IMCC), had a 30 minute telephone conversation with Ms. Michelle Carey, Legal Advisor to Chairman Martin. The conversation focused the Comments previously filed by IMCC and on the outline below. We discussed the particulars of 07-51. I also described how Private Cable Operators (PCOs) operate technically and how Exclusive Contract financing techniques used by PCOs facilitate competition with franchised cable operators and Verizon and AT&T. I also described how the elimination of PCOs as MVPDs would retard such competition which would be negative for the delivery of the triple play to MDU residents. We also discussed how the Commission might adopt a rulemaking that did not negatively impact the operation of PCOs. I also made the request that representatives of IMCC meet with Chairman Martin.

Respectfully submitted,  
William J. Burhop

Below is an outline of the IMCC views as expressed in our filed Comments:

1. NPRM MB 07-51  
at behest of Verizon--FiOS, AT&T--U-Verse; 21 for, 44 against  
moving rapidly  
studied twice before  
R&O may have unintended consequences  
no need for FCC to select which providers succeed/fail
2. PCOs  
IMCC represents Private Cable Operators (PCOs)  
small business by any definition  
900,000 subs/1,500,000 passings  
revenue, employees  
no franchises, no PROWs  
all MDU types, building-by-building, not city-by city, state or region  
no significant market share, economies of scale  
triple play, unique demographics, ROE covenants  
competition beneficial impact for MDUs to use in negotiations, MDUs want  
PCOs  
leverage of 100/1,000 vs. single family home  
but only if alternative to large providers  
PCOs provide that, pro-competitive tool
3. Why are Exclusive Service/Access agreements needed  
essential for financing, no deep pockets  
no cross subsidies

- cost to build out
- financing chain--build-out costs, loans, ROI, more MDUs
- without Exclusives PCOs falter/fail
- 4. PCOs no power/dominance, fall below FCC definition of small  
legal precedent, FCC examples  
other forms of exclusivity in economy
- 5. IMCC recommendation  
recognize unique positives, financing  
carve out--no market power, small  
7 years, only so long as to deal with economic realities  
fix other problems first; mandatory access statutes, perpetuals, wiring  
rules
- 6. NATAO view